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KPMG LLP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WILLIAM M. HAWKINS III,

Plaintiff,

v.

KPMG LLP, a limited liability partnership,
HARVEY ARMSTRONG, an individual,
QUELLOS GROUP LLC, a Delaware limited
liability company, and DOES 1 through 20,
inclusive,

Defendants.

Case No. C 05-04763 MHP

**STIPULATED REQUEST FOR
ORDER CHANGING TIME;
~~PROPOSED~~ ORDER CHANGING
TIME**

Plaintiff William M. Hawkins III and Defendants KPMG LLP and Harvey
Armstrong, by and through their respective counsel of record, hereby agree and stipulate as
follows:

WHEREAS, on July 15, 2005, Plaintiff filed his complaint in the Superior Court
for the State of California, County of San Mateo;

WHEREAS, on September 12, 2005, Plaintiff served the complaint on

STIPULATED REQUEST FOR ORDER CHANGING TIME;
[PROPOSED] ORDER CHANGING TIME

1 Defendants KPMG, Harvey Armstrong and Quellos Group LLC;

2 WHEREAS, on November 21, 2005, Defendant KPMG filed a Notice of
3 Removal, thereby removing the complaint from state court to this Court;

4 WHEREAS, pursuant to Rule 81(c) of the Federal Rules of Civil Procedure,
5 Defendants KPMG's and Harvey Armstrong's responses to the complaint are currently due on
6 November 30, 2005;

7 WHEREAS, Defendant KPMG is a party to a class action settlement involving
8 the subject matter of this action, which was preliminarily approved on Friday, October, 31, 2005
9 in the United States District Court for the District of New Jersey;

10 WHEREAS, Plaintiff has until December 12, 2005 to opt out of the class action
11 settlement;

12 WHEREAS, Plaintiff is enjoined from prosecuting this action against KPMG and
13 Mr. Armstrong unless and until he opts out of the class action;

14 WHEREAS, Plaintiff is considering amending his complaint if he opts out of the
15 class action;

16 WHEREAS, the parties to this stipulation have not previously sought an order
17 changing time from this Court; and

18 WHEREAS, the changes of time set forth below may assist the efficient
19 administration of justice and should not affect the schedule for this case.

20 NOW THEREFORE, subject to the Court's approval:

- 21 1. Plaintiff may file an amended complaint on or before December 29, 2005;
- 22 and
- 23 2. Defendants KPMG's and Armstrong's responses to the operative
- 24 complaint must be filed on or before January 9, 2006.

25 **IT IS SO STIPULATED.**

1 DATED: November 29, 2005

2 BINGHAM McCUTCHEN LLP

3
4 By: /s/
5 Stephanie L. Thomases
6 Attorneys for Defendant
KPMG LLP

7 DATED: November 29, 2005

8 LONG & LEVIT LLP

9
10 By: /s/
11 Howard M. Garfield
12 Attorneys for Defendant
Harvey Armstrong

13 DATED: November 29, 2005

14 BERGESON, LLP

15
16 By: /s/
17 Hway-Ling Hsu
18 Attorneys for Plaintiff
William M. Hawkins III

19
20 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

21 11/29/2005
22 DATED: November __, 2005

